IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15574 of 2004

Between:

Vema Reddy Sarada Reddy, W/o. Rajendra Kumar Reddyu, Hindu,
R/o. Momidi Village, Chillakur Mandal, Nellore District.

..... PETITIONER

AND

1 State Station House Officer, Chillakur PS, Nellore District.
2 Mandal Revenue Officer, Chillakur Nellore District.
3 Revenue Divisional Officer, Gudur, Nellore District.
4 Dy. Superintendent of Police, Gudur, Nellore District.
5 Y. Janakirami Reddy, S/o. Subbarami Reddy, Hindu,
GPA Holder Navabharat Enterprises Ltd. rep by its M.D. Sri A.S.
Chowdary, Nellore.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or order more especially one in the nature of writ of mandamus declaring the action of the respondents 1 to 4 in interfering with the rights of the petitioner in so far as the land admeasuring Ac.4.00 out of Ac. 6.95 cents in Survey No. 517-1A of Tamminapatnam Village, Tamminapatnam Gram Panchayat, Chillakur Mandal, Guntur Sub District, Nellore, bounded by East Buckingham canal, 2-, Gangapatnam Rami Reddy Bhoomi, W-Angaluru Rama Swamy etc. and Upputeru N-G. Rami Reddy without due course of law or authority as illegal, arbitrary, capricious and violative of principle of natural of justice and consequentially direct the respondents not to interfere with the land admeasuring Ac. 4.00 out of Ac.6.95 cents in Survey No. 517-1A of Tamminapatnam Village, Tamminapatnam Grampanchayat, Chillakur Mandal, Gudur Sub District, Nellore, bounded by East - Buckinghma Canal, South- Gangapatnam Rami Reddy Bhoomi, West - Angaluru Rama Swamy etc. and Upputeru North - G. Rami Reddy.

Counsel for the Petitioner: MR.RAVI SHANKAR JANDHYALA

Counsel for Respondents 1 to 4: GP FOR HOME

Counsel for Respondent No.4: --

The Court at the stage of admission made the following ORDER:

The petitioner seeks a writ of Mandamus directing respondents 1 to 4 not to interfere with the peaceful possession and enjoyment of the land to an extent of Ac.4-00 situated in Survey No.517-1A of Tamminapatnam Village, Tamminapatnam Gram Panchayat , Chillakur Mandal, Gudur Sub District, Nellore without following due process of law.

In the affidavit filed in support of the writ petition, it is stated that the petitioner is the absolute owner of the land in question and that respondents 1 to 4, at the instance of Respondent No.5, came to his house and threatened him to vacate the land in question within 10 days. Hence, this writ petition contending that highhanded action of respondents 1 to 4 is arbitrary, illegal and in violation of Article 21 of the Constitution of India.

On behalf of respondents 1 and 4, Sub-Inspector of Police, Chillakur Police Station, Nellore District, filed a counter-affidavit denying all the allegations made by the petitioner and stating that the dispute is purely civil in nature. The petitioner on the one hand and the fifth respondent on the other, are claiming title to the property in question. There are claims and counter-claims in between the petitioner and the fifth respondent. The police have nothing to do with the said civil disputes. It is further stated that respondents 1 and 4 at no point of time interfered in the matter. It is also stated that the second respondent-Mandal Revenue Officer, Chillakur, Nellore District addressed a letter dated 01-09-2004 to the first respondent-Station House Officer, Chillakur Police, Station, Nellore District stating that the fifth respondent filed a representation informing about the dispute with regard to the measurements of the lands in survey Nos.517, 134, 135 and 138/1 situated in Tamminapatnam Village and sought police protection at the time of taking measurements of the lands in question. Accordingly, police protection was granted at the time of measuring the lands and the police took all the necessary steps to avert nuisance in the lands. Subsequently, the fifth respondent lodged a complaint dated 02-09-2004 before the

first respondent complaining against the petitioner and others about the alleged cheating, criminal breach of trust and criminal conspiracy and on the basis of the same, Crime No.113 of 2004 was registered under Sections 120 B, 468, 471 and 409 I.P.C. and the same is under investigation.

In the light of the averments in the counter affidavit stating that respondents 1 and 4 are not interfering with the civil disputes and they are only proceeding with the investigation in Crime No.113 of 2004, no further adjudication is necessary on merits.

Accordingly, recording the statements of respondents 1 and 4 in their counter-affidavit, the writ petition is dispose of. No costs.

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10-11-2004

kdl

To

1 State Station House Officer, Chillakur PS, Nellore District.

2 Mandal Revenue Officer, Chillakur Nellore District.

3 Revenue Divisional Officer, Gudur, Nellore District.

4 Dy. Superintendent of Police, Gudur, Nellore District.

5 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad, (OUT).

6 Two C.D. Copies